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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,474	01/09/2004	Vincent Muniere	Q79100	6433
23373	7590	11/30/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			DOAN, PHUOC HUU	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/753,474	<b>Applicant(s)</b> MUNIERE, VINCENT	
	<b>Examiner</b> PHUOC H. DOAN	<b>Art Unit</b> 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/09/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forssell (US Patent No: 6,665,280) in view of Livet (US Pub No: 2004/0132441).

As to claim 1, Forssell discloses a method for optimising quality of service “col. 7, lines 25-40” in the packet-switched domain of a mobile communication system (col. 5, lines 8-20), a method wherein: a core network entity of said system sends to a radio access network entity of said system a request for the setting-up or reconfiguration of a radio bearer for a packet session for a mobile station (col. 2, lines 39-44). However, Forssell does not disclose that said request including first information derived from quality of service information contained in a corresponding request received by said core network entity, said core network entity adds to said request second information known at its level and which can be

used, together with said first information, to perform a call admission control at the radio level.

In the same field of invention, Livet specifically discloses that said request including first information derived from quality of service information contained in a corresponding request received by said core network entity (page 2, par. [0015-0017], page 8, par. [0049]), said core network entity adds to said request second information known at its level and which can be used (page 2, par. [0017-0018]), together with said first information, to perform a call admission control at the radio level (page 7 through page 8, par. [0047-0049]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to perform a call admission control at the radio level as taught by Livet to the system of Forssell in order to promote Quality of Service.

**As to claim 2**, Forssell further discloses a method according to claim 1, wherein said second information include information representative of radio access capabilities of said mobile station (col. 2, lines 55-65, and col. 3, lines 4-25]).

**As to claim 3**, the combination of Forssell and Livet further disclose a method according to claim 1, wherein said radio access capabilities include capabilities to support higher data rates (page 8, par. [0049] of Livet).

**As to claim 4**, the combination of Forssell and Livet further disclose a method according to claim 3, wherein said capabilities to support higher data rates include a multislot capability (page 2, par. [0017] “**a first time slot load, and a second time slot load**” of Livet).

**As to claim 5**, the combination of Forssell and Livet further disclose a method according to claim 3, wherein said capabilities to support higher data rates include a capability to support different data transfer modes (page 4, par. [0028-0029] of Livet).

**As to claim 6**, Forssell further discloses a method according to claim 5, wherein said different data transfer modes include the GPRS (<<General Packet Radio Service>>) mode and the EGPRS (<<Enhanced General Packet Radio Service>>) mode (col. 1, lines 60-65, and col. 3, lines 4-25]).

**As to claim 7**, Forssell further discloses a method according to claim 1, wherein said setting-up or reconfiguration of a radio bearer includes the creation or modification of a Packet Flow Context (col. 9, lines 45-67).

**As to claim 8**, Forssell further discloses a method according to claim 7, wherein said request for the setting-up or reconfiguration of a corresponding radio bearer is sent in a CREATE BSS PFC message (Fig. 2, col. 5, lines 21-47, “**RELAY function between MS and SGSN, for the LLC layer**”).

**As to claim 9**, Forssell further discloses a network element for a core network entity (SGSN) of a mobile communication system, comprising means for performing a method according to claim 1 (col. 5 through col. 6, lines 62-22).

**As to claim 10**, the combination of Forssell and Livet further disclose a network element according to claim 9, wherein said means comprise: means for sending to a radio access network entity of said system a request for the setting-up or reconfiguration of a radio bearer for a packet session for a mobile station (col. 2, lines 39-44 of Forssell), said request including first information derived from quality of service information contained in a corresponding request received by said core network entity (page 2, par. [0015-0017], page 8, par. [0049] of Livet), means for adding to said request second information known at its level and which can be used (page 2, par. [0017-0018] of Livet), together with said first information, to perform a call admission control at the radio level (page 7 through page 8, par. [0047-0049] of Livet).

**As to claim 11**, Forssell further discloses a network element of a Radio Access Network entity (BSS) of a mobile communication system, comprising means for performing a method according to claim 1 (col. 3 through col. 4, lines 58-8).

**As to claim 12**, the combination of Forssell and Livet further disclose a network element according to claim 11, wherein said means comprise: means for receiving from a core network entity of said system a request for the setting-up or reconfiguration of a radio bearer for a packet session for a mobile station (col. 2, lines 39-44 of Forssell), said request including first information derived from quality of service information contained in a corresponding request received by said core network entity (page 2, par. [0015-0017, page, par. [0049] of Livet), said request further including second information known at the level of said core network entity and which can be used (page 2, par. [0017-0018] of Livet), together with said first information, to perform a call admission control at the radio level (page 7 through page 8, par. [0047-0049] of Livet).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Noel (US Pub No: 2004/0151156) discloses “**Method for using several logical channels for one radio bearer between mobile station and a network**”.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESTER G. KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phuoc Doan  
10/10/05

  
11/28/05  
LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER